

JUDGE SWEET

USDC SDNY
DOCUMENT
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DATE FILED: <u>APR 27 2007</u>

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

FEI LIN,

Defendant

07 CRIM. 368  
07 Cr.

COUNT ONE

(Conspiracy To Engage  
In The Sale Of Contraband Cigarettes)

The United States Attorney charges:

1. From at least in or about November 2006, up through and including on or about January 13, 2007, in the Southern District of New York and elsewhere, FEI LIN, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together and with each other to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 2342(a).

2. It was a part and an object of the conspiracy that FEI LIN, the defendant, and others known and unknown, unlawfully, willfully, and knowingly would and did ship, transport, receive, possess, sell, distribute, and purchase contraband cigarettes, to wit, a quantity in excess of 10,000 cigarettes sold in New York State that bear no evidence of the payment of applicable New York State cigarette taxes, in violation of Title 18, United States

Code, Section 2342(a).

OVERT ACT

3. In furtherance of the conspiracy, and to effect the illegal object thereof, the following over act was committed in the Southern District of New York:

a. On or about January 13, 2007, in New York, New York, FEI LIN, the defendant, met with a co-conspirator not named as a defendant herein for the purpose of receiving a payment for contraband cigarettes.

(Title 18, United States Code, Section 371.)

COUNT TWO

(Sale Of Contraband Cigarettes)

The United States Attorney further charges:

4. From at least in or about 2005, up through and including on or about January 13, 2007, in the Southern District of New York and elsewhere, FEI LIN, the defendant, and others known and unknown, unlawfully, willfully, and knowingly did ship, transport, receive, possess, sell, distribute, and purchase contraband cigarettes, to wit, LIN and his accomplices sold in New York State more than 10,000 cigarettes that bore no evidence of the payment of applicable New York State cigarette taxes.

(Title 18, United States Code, Sections 2342(a), 2344(a), and 2.)

FORFEITURE ALLEGATION

5. As a result of committing one or more of the offenses of: (i) conspiring to engage in the sale of contraband cigarettes, in violation of 18 U.S.C. § 371, alleged in Count One

of this Information, and (ii) engaging in the sale of contraband cigarettes, in violation of 18 U.S.C. §§ 2342(a), 2344(a), and 2, alleged in Count Two of this Information, the defendant FEI LIN shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses, including but not limited to:

a. A sum of money equal to \$40,000 in United States currency, representing the proceeds obtained as a result of the offenses charged in this Information, for which the defendant and his co-conspirators are jointly and severally liable.

Substitute Asset Provision

b. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant --

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third person;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant

up to the value of the above forfeitable property.

(Title 18, United States Code, Section 981, Title 28, United States Code, Section 2461, and Title 18, United States Code, Sections 371, 2342(a) and 2344(a).)

A handwritten signature in black ink, reading "Michael J. Garcia", written over a horizontal line.

MICHAEL J. GARCIA  
United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

FEI LIN,  
Defendant.

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INFORMATION

07 Cr. \_\_\_\_\_ (RWS)

(18 U.S.C. §§ 371, 2342(a),  
2344(a), and 2.)

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MICHAEL J. GARCIA  
United States Attorney.

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4/27/07  
Inf. filed  
4/27/07